

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re PATRIOT NATIONAL, INC.
SECURITIES LITIGATION

ORDER

17 Civ. 1866 (ER)

RAMOS, D.J.:

The Court is in receipt of the parties' case management proposals. In light of the Court's August 5, 2021 opinion and order denying Plaintiffs leave to file an amended complaint in this consolidated action, *see* Doc. 196, the remaining claims in this case are those brought under Case No. 19 Civ. 98, *McIntire v. Mariano*. Therefore, under the unique circumstances of this case, the Court finds that it would further the efficient resolution of this matter to deconsolidate the *McIntire* case. *See European Cnty. Inc. v. RJR Nabisco, Inc.*, 150 F. Supp. 2d 456, 461 (E.D.N.Y. 2001) (ordering deconsolidation to facilitate the fair and efficient resolution of the case); *cf. Devlin v. Transp. Commc'n Int'l Union*, 175 F.3d 121, 130 (2d Cir. 1999) (a court may consolidate *sua sponte* under Fed. R. Civ. P. 42).

Accordingly, the plaintiffs in *McIntire* may file a motion for leave to file an amended complaint in the *McIntire* action, with the following briefing deadlines:

- Plaintiffs' motion shall be due by October 15, 2021;
- Defendants' response(s) shall be due by November 19, 2021; and
- Plaintiffs' reply shall be due by December 3, 2021.

In their opposition brief(s), Defendants may fully raise any objections they have to the *McIntire* plaintiffs' efforts to bring their proposed amended complaint as a proposed class action.

The Clerk of Court is respectfully directed to deconsolidate Case No. 19 Civ. 98, and the *McIntire* plaintiffs shall make their motion under that case caption.

It is SO ORDERED.

Dated: September 23, 2021
New York, New York



EDGARDO RAMOS, U.S.D.J.